

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ROBERTO SANCHEZ,

Petitioner,

v.

No. CIV 12-914 MCA/LFG

GREGG MARCANTEL, Secretary of  
Corrections, and GARY K. KING,  
New Mexico Attorney General,

Respondents.

**ORDER ADOPTING RECOMMENDATION TO DISMISS,  
WITHOUT PREJUDICE**

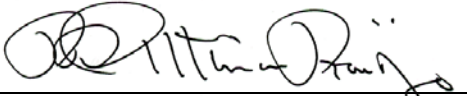
THIS MATTER is before the Court on the Magistrate Judge's Recommendation to Dismiss, filed May 28, 2013. [Doc. 15.] Petitioner Roberto Sanchez ("Sanchez") failed to file objections, and the deadline for doing so expired.

On April 8, 2013, Respondents filed a motion to dismiss, arguing Sanchez did not exhaust state court remedies before bringing his federal habeas petition under 28 U.S.C. § 2254. [Doc. 16.] Sanchez failed to respond to the motion to dismiss.

On May 6, 2013, the Magistrate Judge entered an Order to Show Cause [Doc. 17], requiring Sanchez to show cause, if any he had, why his habeas petition should not be dismissed, without prejudice, for failure to exhaust state court remedies. Sanchez did not respond to the Order to Show Cause and did not file objections to the Recommendation to Dismiss.

The Court accepts the Magistrate Judge's Recommendation to Dismiss Sanchez's § 2254 petition and this matter, without prejudice.

IT IS HEREBY ORDERED that the Magistrate Judge's Recommendation to Dismiss, Without Prejudice [Doc. 15] is adopted by the Court, and Petitioner Roberto Sanchez's petition for writ of habeas corpus under 28 U.S.C. § 2254 [Doc. 1] and this matter are dismissed without prejudice.

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UNITED STATES DISTRICT COURT